



UNITED STATES DEPARTMENT OF COMMERCE
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PR

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/163,844 09/30/98 HOFMEISTER

C 390-008105-U

PERMAN & GREEN
425 POST ROAD
FAIRFIELD CT 06430

PM82/1219

EXAMINER

UNDERWOOD, D

ART UNIT

PAPER NUMBER

3652

DATE MAILED:

12/19/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/163,844

Applicant(s)

Hoffmeister

Examiner

Underwood

Group Art Unit

3652

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 9/25/00
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-29 is/are pending in the application.
- Of the above claim(s) NONE is/are withdrawn from consideration.
- ☒ Claim(s) 6, 7, 19-23 is/are allowed.
- ☒ Claim(s) 1-5, 8-16, 24-26, 28, 29 is/are rejected.
- ☒ Claim(s) 17, 18, 27 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

Office Action Summary

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Detailed Action

1. The request filed on 09/25/00 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/163,844 is acceptable and a CPA has been established. An action on the CPA follows.
2. In claim 5, the penultimate line, "axis" should be --axes--.
3. Claims 1-4, 24-26 and 29 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

It is unclear how the arm is moved by the first and second shafts as set forth in the instant claims. The specification, page 11, sets forth that each movement is a result of joint movement of the motors and not the single movement of any one motor as now claimed.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

5. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
6. Claims 5 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Fukasawa.

The rectilinear translation of the wafers into the cassettes of Fukasawa is inherent or else the wafers would not enter between the parallel sides of the cassettes.

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7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-4, 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukasawa et al in view of newly cited Carlisle et al.

It would have been obvious to substitute a motor system as claimed for that in Fukasawa in view of the teaching in Carlisle.

9. Claims 8-16 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bacchi et al in view of Ohta et al or vice versa.

Bacchi discloses the claimed arm.

Ohta discloses arranging cassettes side by side in an arc.

Accordingly, it would have been obvious to provide a supply as claimed for Bacchi's arm in view of the teaching in Ohta or to substitute an arm as claimed in Ohta in view of the teaching in Bacchi.

10. Applicants' argument regarding claim 1 has been carefully considered but is not deemed persuasive. The amendments to claim 1 and newly added claim 29 are directed to an operation contrary to that set forth in the original specification. Note the specification is sparse as to the structure of the arm drives. However, Bacchi discloses an arm that operates as per applicant's disclosure. Newly cited Carlisle et al discloses motors as now claimed in claim 1.

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11. Applicants' argument regarding claim 5 has been carefully considered but is not deemed persuasive since it fails to address the rejection in that the wafer must be moved in a straight line to move into a position between the parallel walls of the cassette. Applicants' are ignoring a common sense approach to moving a wafer into a cassette.

12. Applicants' argument regarding claims 8-16 has been carefully considered but is not deemed persuasive since the claims do not require the cassettes be in a straight line.

13. Claims 17, 18 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. Claims 6, 7 and 19-23 are allowed.

15. Any inquiry concerning this communication should be directed to Examiner D.

Underwood at telephone number (703) 308-1113.

Underwood/ph

December 15, 2000

Donald W. Underwood 12/18/00
DONALD W. UNDERWOOD
PRIMARY EXAMINER